

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Note: Lists of commenters, acronyms and abbreviations may be found at the end of the document.

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>General</p> <p>The proposed new and revised definitions should be consistent with the definitions of those terms in the federal regulations to ensure consistent application.</p> <ul style="list-style-type: none"> - <i>GLI ATTF</i> 	<p>General-1</p> <p>The District's regulations, including definitions, may, and often do, differ from federal regulations. See KRS 224.20-130 and 77.170. For that reason, the District's regulations include a general glossary of terms in Regulation 1.02. More specific glossaries are included in individual regulations, such as Regulation 2.16, when needed for clarity.</p>
<p>General</p> <p>The District is encouraged to develop general permits and permits-by-rule for common activities.</p> <ul style="list-style-type: none"> - <i>GLI ATTF, Ford</i> 	<p>General-2</p> <p>The District is committed to continuing to streamline and refine its permitting process. This will include, among other things, developing and proposing permits-by-rule, general permits, and a combined construction/operating permit program for Title V and FEDOOP sources in later rulemakings.</p>
<p>General</p> <p>In reviewing the proposed changes, the effort to streamline the current program is very encouraging and should bring some regulatory relief for small stationary sources, which include printing operations. Since changing air permitting regulations does not occur on a regular basis the District should consider making additional changes to its air program for minor sources and these changes would benefit both the District by reducing the administrative burden associated with processing permits for sources of emissions that are not significant as well as reducing the regulatory costs and burden for stationary sources. Using this approach could easily allow the District to eliminate the fee</p>	<p>General – 3</p> <p>See Response to Comment General – 2.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
completely or charge only a nominal fee of \$100 per application. <i>PIAS</i>	
General The regulations should be more precise in using the terms “stationary source,” “affected facility,” and “emissions unit” to clarify what provisions apply to an entire stationary source versus to an individual affected facility or emissions unit, since a source may have multiple affected facilities or emissions units. - <i>GLI ATTF, PIAS</i>	General-4 “Stationary source” and “affected facility” are defined in Regulation 1.02. “Emissions unit” is defined in Regulation 2.16 for use in that regulation. The District will recommend to the Board that Regulation 1.02 be amended to include the definition of “emissions unit” currently in Regulation 2.16.
General The structure of the regulations as amended is not sufficiently clear for a member of the regulated community to determine what type of permit is required and what compliance, monitoring, recordkeeping, reporting, and other requirements will apply. Each permit type should have its own regulation, clearly titled, that lays out the applicability and requirements for that permit type. - <i>GLI ATTF, Ford</i>	General-5 The proposed regulatory changes are intended to improve the District’s current permitting structure, which offers limited types of operating permits. New types of permits, including relevant applicability and regulatory requirements, have been proposed in independent sections of Regulations 2.02 and 2.03. The District is committed to helping stationary sources determine the most appropriate permit type for their operation. The District may consider this approach as it continues streamlining its permitting program.
General The proposed set of amendments fails to include the creation of federally-enforceable district-origin minor source permits, which was presented in the District’s Notice of Proposed Rulemaking (identified as proposed new Regulation 2.18: <i>Prohibitory Rule for District-Origin Minor Source Permits</i>). - <i>GLI ATTF</i>	General-6 As explained in the Advance Notice of Proposed Rulemaking issued on July 24, 2012, the District has been exploring a variety of approaches that could be used to streamline its construction and operating permit programs, including the development of Regulation 2.18, <i>Prohibitory Rule For District-Origin Minor Source Permits</i> . In particular, the District discussed developing a new permit type to distinguish small sources willing to accept the

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	thresholds proposed in Regulation 5.00 section 1.13.5 from sources permitted under Regulation 2.17. Stationary sources permitted under this new permit type would have avoided the increased STAR fees proposed in Regulation 2.08, been required to meet low emission limits and be regulated under the STAR Program's general duty clause, Regulation 5.01, rather than Regulation 5.21. The District has subsequently determined that the proposed revision to Regulation 5.00 section 1.13.5 accomplishes the same results, but reduces confusion over applicable permit types and continues the District's efforts to streamline its permit program.
<p>General</p> <p>Most of the substantive comments made by KPC and other industry stakeholders were not accepted.</p> <ul style="list-style-type: none"> - KPC, ACA 	<p>General – 7</p> <p>The District appreciates the comments made as part of the informal and formal public participation process and incorporates, when appropriate or necessary, those suggestions and recommendations that further streamline the permitting process or clarify new or existing regulatory provisions.</p>
<p>General</p> <p>The draft forms attached to the Response to Informal Comments and referenced in Regulations 2.02 section 4.2.1 were inadvertently referenced as forms AP-100C and AP-900C.</p>	<p>General – 8</p> <p>The District has renamed the forms AP-500A (formerly AP-100C) and AP-500B (formerly 900C).</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>1.02 General</p> <p>The DAQ recommends the following edits:</p> <ul style="list-style-type: none"> - Delete spacing between “Pursuant To” and “KRS Chapter 77 ...” and “Relates To” and “KRS Chapter 77 ...” - Change line spacing to 1.0 instead of 1.5 - Section 1.34: delete regulation title and replace “§” with “section” - Section 1.67: capitalize “Part” - Section 1.70: capitalize “Responsible official” - Section 1.72.1: change “amendment” to “revision” to maintain consistency with Regulation 2.08 - Determine if “record keeping” is one word or two and change sections 1.42.2, 1.3.3, 1.72.2 and 1.83.50 accordingly. - <i>DAQ</i> 	<p>1.02-1</p> <p>The District agrees with the comment and will revise the proposed regulation accordingly.</p>
<p>1.02 section 1.3</p> <p>The definition of “Administrative Permit Amendment” should be revised to be consistent with EPA’s at 40 CFR 70.7(d) and the state of Kentucky’s at 401 K.A.R. 52:020 (13).</p> <ul style="list-style-type: none"> - <i>PIAS, GLI ATTF</i> 	<p>1.02-2</p> <p>The definition in Regulation 1.02 section 1.3 mirrors the definition of “administrative permit amendment” in Regulation 2.16 section 1.3 that applies to Title V stationary sources. Regulation 2.16 implements 40 CFR part 70 and concurs with 401 KAR 52:020. However, the definition in Regulation 1.02 has been tailored to apply to those permits that are issued pursuant to Regulations 2.03 and 2.17 for purposes of determining fees under proposed Regulation 2.08. It is therefore, necessarily different.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>1.02 section 1.4</p> <p>The definition of “affected facility” should be clarified to mean a single emission unit or a separate definition of “emission unit” should be added.</p> <p style="padding-left: 40px;">- <i>PIAS</i></p>	<p>1.02-3</p> <p>The District is not proposing to amend the definition of “affected facility.” “Emission unit” or “emissions unit” is defined separately in Regulations 2.04 and 2.16 for use in those regulations. The District will recommend to the Board that Regulation 1.02 be amended to include the definition of “emissions unit” currently in Regulation 2.16.</p>
<p>1.02 section 1.37</p> <p>The wording of this Section could suggest that, to be considered an insignificant activity, an affected facility must be on the District’s list of approved insignificant activities. If an affected facility satisfies the provisions in Sections 1.37.1.1 through 1.37.1.3, it should be considered an insignificant activity even if it is not on the District’s approved list.</p> <p style="padding-left: 40px;">- <i>GLI ATTF, PIAS, ACA, KPC</i></p>	<p>1.02-4</p> <p>The District will recommend to the Board that the definition in Regulation 1.02 section 1.37 (now 1.38) be amended to be identical to the definition proposed in Regulation 2.16 section 1.23.</p>
<p>1.02 section 1.37</p> <p>If appearance on the list is a prerequisite to an affected facility being deemed an insignificant activity, the District’s list of approved insignificant activities must be made a part of the regulation, or incorporated by reference in the regulation. Otherwise, the District could arbitrarily make changes to the list without going through the required regulatory notice and comment process. An ever-changing list maintained on a website does not give the regulated community adequate notice of what</p>	<p>1.02-5</p> <p>The District will recommend that the Board adopt the District’s proposed amendments to Regulation 2.02 section 2.1.2 as follows:</p> <p style="padding-left: 40px;">2.1.2 Stationary sources that operate only one <u>insignificant activity of the affected facilities listed in Appendix A to Regulation 1.02.</u></p> <p>The District will also recommend that the Board adopt the following amendments to the definition of “insignificant activity” in Regulation to 2.16 section 1.23.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>the District deems an insignificant activity. The federal regulation governing state or local operating permit programs requires that lists of insignificant activities be approved by EPA as part of the delegated program. 40 C.F.R. § 70.5(c).</p> <p>- <i>GLI ATTF, PIAS, KPC, Ford</i></p>	<p>1.23 "Insignificant activity" means the following:</p> <p>1.23.1 An affected facility that an affected facility category specific applicable requirement is not subject to a federally enforceable requirement, other than generally applicable requirements, is not subject to an affected facility category-specific applicable requirement, does not involve the incineration of medical waste, and meets one of the following provisions:</p> <p>1.23.1.1 The affected facility is listed in Regulation 2.02 Air Pollution Regulation Requirements and Exemptions sections 2.1 <u>Appendix A of Regulation 1.02 to 2.3 and the uncontrolled</u> potential emissions of the affected facility do not exceed either 5 .00 tons per year of a regulated air pollutant or 1000 .0 pounds per year of a hazardous air pollutant,</p> <p>1.23.1.2 <u>The activity is determined to be insignificant on a case-by-case basis.</u> For a case-by-case approval, all of the following provisions are met:</p> <p>1.23.1.2.1 The potential emissions of the affected facility do not exceed either 5 .00 tons per year of a regulated air pollutant or 1000 .0 pounds per year of a hazardous air pollutant,</p> <p>1.23.1.2.2 The potential emissions of the affected facility are in conformance with the general prohibition of air pollution of Regulation 1.09 Prohibition of Air Pollution, and</p> <p>1.23.1.2.3 Specific approval of the affected facility as an insignificant activity was made pursuant to approval of a Title V permit issuance, renewal, or revision that had undergone the full public participation process, including the notice, comment, and EPA objection provisions, in Regulation 2.07, or</p> <p>1.23.1.3 The affected facility is listed as an insignificant activity in the District's federally-approved Title V permit program,</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	<p><u>1.23.1.4 Other types of activities approved by the District for a specific stationary source on a case-by-case basis may be viewed on the District's List of Title V Operating Permits on its website.</u></p> <p>1.23.2 For the purpose of this definition, potential emissions mean the emissions before air pollution control devices. An R&D facility that has the same SIC as the manufacturing facility or is considered a support facility at the manufacturing facility shall be considered a part of the stationary source, but may be treated as an insignificant activity if the R & D facility meets the qualifications of this definition. The emissions from insignificant activities shall be accounted for in determining major source status, and</p> <p>1.23.3 For the purpose of an initial permit pursuant to this regulation, an affected facility that had been identified as an insignificant activity in a permit application that was, before December 20, 2000, determined by the District to be complete pursuant to section 3.2, and the District had determined that the potential emissions of the affected facility do not exceed either 5.00 tons per year of a regulated air pollutant or 1000.0 pounds per year of a hazardous air pollutant, shall be treated as an insignificant activity. However, the District may require the applicant to submit additional information to demonstrate compliance with these requirements. The determination by the District that the potential emissions of an affected facility do not exceed these levels shall be subject to EPA review and approval.</p> <p>With respect to new insignificant activities that</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	<p>are approved on a case-by-case approval, each determination must find that the emission source or activity meets the required thresholds and be made as part of a permit issuance, renewal, or revision that has undergone the full public participation process, including the notice, comment, and EPA objection provisions in accordance with Regulation 2.07. See Regulation 2.16 1.23.1.2.3.</p> <p>The District will recommend that the proposed definition for “insignificant activity” in Regulation 2.16 be adopted in Regulation 1.02 verbatim. “Appendix A” will include the list of affected facilities from Regulation 2.02 sections 2.1 – 2.3 with the following proposed revisions:</p> <ol style="list-style-type: none"> 1. Indirect heat exchangers, except furnaces that combust waste oil regardless of size, of the following types: <ol style="list-style-type: none"> 1.1 Those less than 10 million BTU/hr capacity using distillate oil, propane, butane, LPG, or natural gas as fuel, or 1.2 Those used solely for heating residential buildings not exceeding four dwelling units. 2. Internal combustion engines, whether fixed or mobile, and vehicles used for transport of passengers or freight, except as may be provided for in subsequent regulations; 3. <u>An affected facility that is not subject to a federally enforceable requirement, other than a generally applicable requirement and does not involve the incineration of medical waste.</u> Those affected facilities to which no standard is applicable or which emit an air pollutant to which no standard applies. The following facilities are included in this category: <ol style="list-style-type: none"> 3.1 Presses used exclusively for extruding metals, minerals, or wood,

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	<p>3.2 Dry cleaners for which there is no emission, performance, or other standard,</p> <p>3.3 Lint traps used in conjunction with commercial laundry and dry cleaners,</p> <p>3.4 Brazing, soldering or welding equipment,</p> <p>3.5 Equipment commonly used in wood-working operations, except for conveying, hogging or burning of sawdust or wood waste,</p> <p>3.6 Foundry core-making equipment to which no heat is applied and for which there is no emission standard,</p> <p>3.7 Ovens used exclusively for curing potting materials or castings made with epoxy resins,</p> <p>3.8 Equipment used for compression or injection molding of plastics,</p> <p>3.9 Containers, reservoirs, or tanks used exclusively for:</p> <p>3.9.1 Dipping operations for coating objects with oils, waxes, or greases and where no organic solvents, diluents, or thinners are used, or</p> <p>3.9.2 Storage of lubricating oils or fuel oils with a vapor pressure of less than 10 mm Hg at conditions of 20 °C and 760 mm of Hg,</p> <p>3.10 Emergency relief vents, stacks and ventilating systems,</p> <p>3.11 Laboratory ventilating and exhausting systems which are not used for radioactive air contaminants,</p> <p>3.12 Process, exhaust or ventilating systems in bakeries or eating establishments preparing food for human consumption,</p> <p>3.13 Blast cleaning equipment using a suspension of abrasives in water,</p> <p>3.14 Equipment used exclusively for heat treating, soaking, case hardening or surface conditioning of metal objects such as carbonizing, cyaniding, nitriding, carbon-nitriding, siliconizing, or diffusion treating when natural gas or LP gas is used as fuel,</p> <p>3.15 Equipment used for washing or drying products fabricated from metal or glass provided</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	<p>no volatile organic materials are used in the process and no oil or solid fuel is burned,</p> <p>3.16 Equipment, machines, devices, or contrivances built or installed to be used at a domestic residence for domestic use,</p> <p>3.17 Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces or vitreous enameling drying ovens,</p> <p>3.18 Crucible or pot furnaces with a brim full capacity of less than 450 cubic inches of any molten metal,</p> <p>3.19 Facilities using only peanut oil, sunflower oil, cottonseed oil or canola oil,</p> <p>3.20 Soil or ground water contamination remediation projects that are entirely passive or entail the total removal of the contaminated substrate for disposal in a certified landfill. Remediation systems that actively vent to the atmosphere by pumps or fans are not exempt,</p> <p>3.21 Dust or particulate collectors that are located in-doors, vent directly indoors into the work space, collect no more than one ton of material per year and do not collect materials listed in Regulation 5.11, 5.12 or 5.14,</p> <p>3.22 Cold solvent parts cleaners that are equipped with a functional secondary reservoir into which the solvent drains during use,</p> <p>3.23 Portable diesel or gasoline storage tanks with a maximum capacity of less than 500 gallons. Portability is defined as being in one location less than one year,</p> <p>3.24 Storage vessels for VOCs with a maximum capacity of 250 gallons or less,</p> <p>3.25 Diesel or fuel oil storage tanks that are not used for distribution, sale or resale, and that have less than two times the capacity of the vessel in annual turnover of the fluid contained,</p> <p>3.26 All pressurized VOC storage vessels, and</p> <p>3.27 Research and Development (R&D) facilities.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>1.02 section 1.37</p> <p>The definition of “Insignificant Activities” in this Section is not consistent with the definition of the term in the proposed revisions to Regulation 2.16.</p> <p>- <i>GLI ATTF, PIAS, KPC</i></p>	<p>1.02-6</p> <p>The District will recommend to the Board that the definition in Regulation 1.02 section 1.37 (now 1.38) be amended to be identical to the proposed definition in Regulation 2.16 1.23.</p>
<p>1.02 section 1.37</p> <p>The proposed definition states that in order to be deemed an insignificant activity, the activity must not be “subject to a federally enforceable requirement, other than generally applicable requirements.” With the removal of the exemptions from the construction permit requirements in Regulation 2.02, facilities must rely on the Insignificant Activities list to identify a potential exemption from Permit to Construct Requirements. However, previously exempted emissions units such as hot water heaters, etc, will not meet the definition of Insignificant Activity” as those operations are subject to “federally enforceable requirements.”</p> <p>- <i>Ford</i></p>	<p>1.02 – 7</p> <p>The list in Regulation 2.02 section 2.3 is currently qualified to those affected facilities “<i>to which no standard is applicable or which emit an air pollutant to which no standard applies.</i>” “Insignificant activities,” as that term is defined in Regulation 2.16 section 1.23, are currently limited to an affected facility that “<i>is not subject to an affected facility category-specific applicable requirement</i>” and is listed in Regulation 2.02 or is determined on case-by-case basis. (Emphasis added.) The proposed language in section 1.23.1.3, i.e., “federally enforceable requirement, other than generally applicable requirements” is intended to resolve the apparent inconsistency between Regulation 2.02 section 2.3 and Regulation 2.16 section 1.23.1.1. It is also intended to clarify that certain regulations, such as the Regulations 7.08, the District’s general PM regulation, and 7.25, the District’s general VOC regulation, do not disqualify an otherwise eligible activity from being considered “insignificant” or operated at an exempt stationary source.</p> <p>The District reiterates that an “exempt” stationary source under Regulation 2.02 or an “insignificant activity” under Regulation 2.16 must comply with all applicable regulations, standards, and emission limits including any that are subsequently promulgated, like EPA’s RICE MACT. This may mean, for example, that some insignificant activities, like certain</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	fire pumps or emergency generators, may now need to be fully addressed in the stationary source's Title V operating permit during initial permitting or at renewal. Any subsequently installed emission sources of the same type may also require a separate construction permit until the District merges its construction and operating permit program for Title V and FEDOOP stationary sources. See Responses to Comment General – 2, 1.02-4 and 1.02-5.
1.02- 1.37 DAQ recommends that this section state that “The uncontrolled potential emissions of the affected facility do not exceed either five tons per year of a regulated air pollutant or 1,000 pounds of all hazardous air pollutants” so that it is consistent with Form AP-100C, which references “all HAPs.” - <i>DAQ</i>	1.02-8 The definition in section 1.37 (now 1.38) is intended to be consistent with the thresholds already established in the District's Title V program. See, specifically, Regulation 2.16 section 1.23.1.2.1, which defines establishes the thresholds for insignificant activities as 5 tons per year of “a” regulated air pollutant or 1,000 pounds per year of “a” hazardous air pollutant. The District will revise the form to be consistent with these thresholds.
1.02 section 1.37 Section 1.37.1 should also contain the provision that the sum of the potential emissions from all insignificant activities, when added with the source's other potential emissions does not exceed a major source threshold. - <i>DAQ</i>	1.02 – 9 The District will add that language to Regulations 2.02 and 2.03 and recommend that the Board adopt the revision.

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>1.02 section 1.37</p> <p>The regulations should clarify how the District will “approve” an insignificant activity for inclusion on its approved insignificant activities list, other than through the approval of a permit application in which the affected facility is listed as an insignificant activity.</p> <p>- <i>GLI ATTF</i></p>	<p>1.02 – 10</p> <p>Provisions for case-by case approval are listed in Regulation 2.16 section 1.23. The District will recommend to the Board that the definition in Regulation 1.02 section 1.37 (now 1.38) be amended to be identical to the definition proposed in Regulation 2.16 1.23.</p>
<p>1.02 section 1.39</p> <p>The definition of “Major Source” in Regulation 1.02 should be identical to the definition of this term in Regulation 2.16 Section 1.25.</p> <p>- <i>GLI ATTF</i></p>	<p>1.02-11</p> <p>The District disagrees that the two definitions must be identical. The definition of “major source” in Regulation 1.02 section 1.39 is to be used “except as specified in another regulation for use in that regulation.” See, for example, Regulation 6.42, <i>Reasonably Available Control Technology Requirements for Major Volatile Organic Compound- and Nitrogen Oxides-Emitting Facilities</i>. Regulation 2.16 section 1.25 specifies the definition to be used in the Title V program.</p>
<p>1.02 section 1.40</p> <p>The definition of "Major Source" should be revised to include language addressing greenhouse gases consistent with EPA's Greenhouse Gas Tailoring Rule, 75 Fed. Reg. 82254 (Dec. 30, 2010).</p> <p>- <i>GLI ATTF</i></p>	<p>1.02 -12</p> <p>The District revised Regulations 2.05 and 2.16 in November 2010 to address pollutants “subject to regulation,” including greenhouse gases, as required by the Tailoring Rule for use in those programs.</p>
<p>1.02 section 1.42.3</p> <p>DAQ recommends that the District clarify this section to state: “Does not require or change ⊕ a case-by-case determination of (1) an</p>	<p>1.02 – 13</p> <p>The District agrees and will revise the section accordingly.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>emission limitation or other standard, (2) a source-specific determination for temporary sources of ambient impacts, or (3) a visibility or increment analysis....”</p> <p>- <i>DAQ</i></p>	
<p>1.02 section 1.42.5</p> <p>Section 1.42.5 defines a minor permit revision as one that “is not a modification in the regulations promulgated by the District and does not constitute [a] modification under any provision of the Title I of the Act.” The provision, “is not a modification in the regulations promulgated by the District and” should be deleted because it is not included in 40 CFR 70.7(2e)(2) and potential modifications include “state-only” air toxics modifications, and those modifications should not constitute minor permit amendments.</p> <p>- <i>GLI ATTF, Ford, PIAS</i></p>	<p>1.02-14</p> <p>The District’s punctuation for this provision varies in general from the federal and state regulations. The District will revisit the issue in a later rulemaking as part of a combined construction/operating permit program for Title V and FEDOOP sources.</p>
<p>1.02 section 1.67</p> <p>The definition of “Regulated Air Pollutant” should be revised to exclude greenhouse gases.</p> <p>- <i>PIAS</i></p>	<p>1.02-15</p> <p>The District revised Regulations 2.05 and 2.16 in November 2010 to address pollutants “subject to regulation,” including greenhouse gases, as required by the Tailoring Rule. Regulation 1.02 section 1.67 does not include a reference to greenhouse gases.</p>
<p>1.02 section 1.71</p> <p>The definition of “Significant Permit Amendment” should be revised to be consistent with Kentucky’s definition at 401 K.A.R. 52:020 (16).</p> <p>- <i>PIAS</i></p>	<p>1.02-16</p> <p>The definition in Regulation 1.02 section 1.71 mirrors the definition of “significant permit revision” in Regulation 2.16 section 5.7. Regulation 2.16 implements 40 CFR part 70 and concurs with 401 KAR 52:020. The definition has been tailored in Regulation 1.02</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	to apply to those permits that are issued pursuant to Regulations 2.03 and 2.17 for purposes of determining fees under proposed Regulation 2.08.
1.02 section 1.71 Sections 1.71.3 and 1.71.4 should be deleted because they are not part of the state definition. - <i>Ford</i>	1.02-17 See Response to Comment 1.02-16.
1.02 section 1.78 The term “facility” should be replaced with “affected facility” or “emission unit” to clarify the scope of “trivial activities.” - <i>DAQ</i>	1.02-18 An “affected facility” is defined in Regulation 1.02 as “a process or process equipment to which a regulation is applicable.” Trivial activities may not be subject to any regulation. They therefore do not meet the definition of an “affected facility.” Consequently, use of the suggested terms may unnecessarily limit the scope of trivial activities. The District will recommend to the Board that the definition for “trivial activity” in Regulation 1.02 be replaced in its entirety with the proposed definition in Regulation 2.16 section 1.43, which defines the term as “any ‘ <u>activity</u> ’ that is considered inconsequential”
1.02 section 1.78 If the list of trivial activities is only limited to those appearing on the District’s list, the list of approved insignificant activities must be made a part of the regulation or incorporated by reference in the regulation. - <i>PIAS, KPC, LG&E, GLI ATTF, KPC</i>	1.02-19 The term, “trivial activities,” was added to the District’s Title V program in June 1995. The list is identical to the list of trivial activities identified in Attachment A of U.S. EPA’s <i>White Paper for Streamlined Development of Part 70 Permit Applications</i> (July 10, 1995). Provisions for approving additional trivial activities by state and local agencies are provided in the <i>White Paper</i> at page 9.

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
1.02 section 1.79	1.02 – 20
<p>The term “facility” should be replaced with “emission unit” since trivial activities generally refers to one or more single emissions units or activities located within an entire facility.</p> <p>- Ford</p>	<p>The District will recommend to the Board that the definition for “trivial activity” in Regulation 1.02 be replaced in its entirety with the proposed definition in Regulation 2.16 section 1.43, which defines the term as “any <u>‘activity’</u> that is considered inconsequential”</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>2.02 General</p> <p>The District should consider Permit-by-Rules as an alternative approach for regulating small sources.</p> <ul style="list-style-type: none"> - <i>PIAS, GLI ATTF</i> 	<p>2.02-1</p> <p>See Response to Comment General-2.</p>
<p>2.02 General</p> <p>Changing the threshold to actual emissions will allow more facilities to qualify for the Registration program as potential emissions grossly overstate a stationary source's reasonable operating conditions.</p> <ul style="list-style-type: none"> - <i>PIAS</i> 	<p>2.02-2</p> <p>A source may qualify for registration under proposed section 4.1.3 by accepting an enforceable limit on emissions. Because the limit may be based on potential or actual emissions, the suggested revision is unnecessary.</p>
<p>2.02 General</p> <p>The DAQ recommends the following edits:</p> <ul style="list-style-type: none"> - Delete on line between "Jefferson County" and "Pursuant To" - Section 1.3: change the website link font color to black - Section 4.1.4: add a period at the end of the sentence - Section 4.5.1: insert a comma after "accurate" - Confirm consistent usage of "record keeping" in sections 5 and 5.4 - Refer to forms AP-900C and AP-100C where appropriate to clarify which forms are needed during registration and annual certification - <i>DAQ</i> 	<p>2.02-3</p> <p>The District agrees with the comment and will revise the proposed regulation accordingly.</p>
<p>2.02 sections 1.2, 1.3, 2.3. 2.4.1, 4.2.1.3, and 4.3.1.3</p> <p>These sections should refer to all of the permitting regulations: 2.03, 2.16, and 2.17.</p> <ul style="list-style-type: none"> - <i>DAQ</i> 	<p>2.02 – 4</p> <p>The District will add a reference to Regulation 2.16 in section 4.2.1.3.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>2.02 section 1.3</p> <p>As discussed in the comments to Regulation 1.02 Sections 1.37 and 1.78, the District's lists of approved insignificant activities and trivial activities should be made a part of the regulation, or the version of the lists in existence when the revised regulation is enacted should be incorporated by reference. A regulation cannot legally incorporate by reference a list that did not exist at the time of promulgation of the regulation and that will be created in the future.</p> <p>- <i>GLI ATTF, PAIS, KPC</i></p>	<p>2.02-5</p> <p>See Response to Comments 1.02-4 and 1.02-19.</p>
<p>2.02 section 2</p> <p>The New Source Review (NSR) exemptions previously listed in Sections 2.1 through 2.3.27 should be retained. These exemptions should be part of the NSR State Implementation Plan. Otherwise, affected facilities previously exempt under these exemptions will have to apply for and obtain NSR permits. The existing introductory sentence to the NSR exemptions could be revised to read "permits shall not be required from the following" instead of "permits may not be required of the following" to minimize confusion.</p> <p>- <i>GLI ATTF, PIAS, LG&E, Ford</i></p>	<p>2.02-6</p> <p>It is clear from the comments during both the informal and formal comment period that there is substantial confusion over the relationship between "insignificant activities" and affected facilities that may be "exempt" under Regulation 2.02.</p> <p>The District's primary intent in revising Regulation 2.02 was to clarify <u>what "exempt" meant and to whom it applies</u>. The District did not intend for the proposed changes to affect insignificant activities for purposes of Title V.</p> <p>With respect to Title V, "insignificant activities" are not "exempt" from the all permitting requirements. They do not require a permit under Regulation 2.03 prior to construction, but they must be included in the application for a Title V operating permit, albeit in a streamlined fashion. This is intended to provide Title V stationary sources some relief in the level of detail required in Title V</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	<p>applications. See 40 CFR 70.5. Once issued, Title V sources are required, as part of their annual compliance certifications, to provide a “current list of insignificant activities, including an identification of the additions and removals of the insignificant activities that occurred during the preceding year.” Regulation 2.16 section 4.3.5.3.6.</p> <p>With respect to Regulation 2.02, only those “stationary sources” that meet the threshold requirements may be considered “exempt” from permitting requirements. It is inapplicable to stationary sources which exceed the relevant thresholds.</p> <p>Finally, the District reiterates that an “exempt” stationary source under Regulation 2.02 or an “insignificant activity” under Regulation 2.16 must comply with all applicable regulations, standards, and emission limits including any that are subsequently promulgated, like EPA’s RICE MACT. This may mean, for example, that some insignificant activities, like certain fire pumps or emergency generators, may now need to be fully addressed in the stationary source’s Title V operating permit. Any subsequently installed emission sources of the same type may also require a separate construction permit until the District merges its construction and operating permit program for Title V and FEDOOP stationary sources.</p>
<p>2.02 section 2.1.1</p> <p>The term “potential to emit” should be deleted and replaced with “actual emissions” to increase the number of facilities that can qualify for the exemption. Using actual</p>	<p>2.02-7</p> <p>Using potential to emit provides regulatory certainty and operational flexibility for a significant number of small stationary sources. Permitting based on actual emissions would</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
emissions allows more companies to either qualify for the exemption or participate in the Registration program. In addition, EPA allows states and local air pollution control authorities to set these types of prohibitory rules based on actual emissions. - <i>PIAS</i>	increase the regulatory burdens on the regulated sources, including substantial recordkeeping, reporting, and monitoring, necessary to demonstrate continuous compliance. As a result, the District disagrees that the suggested revision is necessary. See also Response to Comment 2.02-2.
2.02 sections 2.1.1.1 and 2.1.1.2 The 5 ton per year threshold should be increased to 10 tons per year and 1,000 pounds per year of a HAP should be changed to 2,000 pounds per year to match the corresponding Ohio EPA small source threshold under the Permit-By-Rule program and would allow more facilities to either be considered exempt or participate in the Registration program. - <i>PIAS</i>	2.02-8 The proposed regulatory thresholds are consistent with the lowest applicability thresholds of the District's regulations. See, for example, Regulation 7.25, <i>Standard of Performance for New Sources Using Volatile Organic Compounds</i> , which requires the use of Best Available Control Technology when any equipment, machine, and other device, or any combination thereof at a source that uses VOCs subject to 7.25 and has the potential to emit greater than 5 tons of VOCs per year covered under the regulation. The District estimates that approximately 450 of the 600 minor stationary sources currently permitted by the District meet the eligibility criteria proposed in Regulation 2.02 for exempt and registered sources based on potential emissions. As a result, the District disagrees that the suggested revision is necessary. The District is committed to continuing to streamline and refine its permitting process in a later rulemaking. This will include, among other things, developing permits-by-rule, general permits, and a combined constructing/operating permit program for Title V and FEDOOP sources.
2.02 sections 2.11, 4.11, 4.13, and 4.1.4 DAQ recommends that this section state that "The uncontrolled potential emissions of the affected facility do not exceed either five tons	2.02 – 9 See Response to Comment 1.02 – 8.

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
per year of a regulated air pollutant or 1,000 pounds of all hazardous air pollutants” so that it is consistent with Form AP-100C, which references “all HAPs.” - DAQ	
2.02 section 2.1.2 This section should be deleted because it significantly constrains the ability of a company to qualify for an exemption and the most important parameter of the exemption is the amount of emissions and not how they are generated. - PIAS	2.02-10 A stationary source that does not qualify for the exemption proposed in section 4 of Regulation 2.02 may apply for registration pursuant to Section 4 or for a traditional minor source permit pursuant to Regulation 2.03.
2.02 section 2.3 This section should be clarified. The proposed requirement implies that the only way for a previously permitted stationary source to qualify for the exemption is to wait until the District evaluates all sources and notifies them. A source should be able to notify the District that it is no longer subject to the permit and request that it be rescinded. - PIAS	2.02-11 Existing stationary sources must continue to operate in accordance with their minor source operating permit until notified otherwise. The District will revise the regulation to allow existing stationary sources to request a determination in writing in accordance with proposed sections 2.4.2 and 2.4.3.
2.02 section 2.4.3 Please delete this requirement as there should not be a fee charged for a request for a determination. This is the policy in many other states and will discourage many small facilities from requesting assistance to ensure compliance with the requirements. The request for determination process can be made simple by incorporating the material use thresholds approved by EPA in the Potential to Emit (PTE) Guidance for Specific Sources memo so that a facility does not have to hire a consultant and it would not require extensive review by	2.02-12 The District is providing the opportunity to request a determination as a convenience. It is not required. As part of its continued permit streamlining efforts, the District intends to propose permits-by-rule and general permits, some of which may include the suggested material use threshold approach. The District is also committed to exploring on-line permitting. The District appreciates the reference and recommendation for PADEP’s DEPGreenPort application and will evaluate its utility as part of its commitment to developing

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>permit engineering staff. One approach that works well is the one established by the PADEP and is now online. See http://www.dep.state.pa.us/dep/deputate/airwaste/aq/permits/rfd.htm for more information.</p> <p>- <i>PIAS</i></p>	<p>on-line, web-based reporting and application processes consistent with EPA's Cross-Media Electronic Reporting Regulation (CROMERR).</p>
<p>2.02 section 4</p> <p>The District should be consistent with U.S. EPA Title guidance; there is no need to register every emission unit (see section 4 as proposed.) The rules should clarify which insignificant emission units must be listed in a Title permit (or minor source operating permit) application consistent with federal guidance and regulations.</p> <p>- <i>Ford</i></p>	<p>2.02 – 13</p> <p>As a general matter, the District may be more stringent than federal law. See KRS 224.20-130 and KRS 77.170. As a practical matter, Regulation 2.02 section 4 applies only to those stationary sources that meet the listed eligibility thresholds. A “stationary source” is defined in Regulation 1.02 section 1.70 as “all of the air pollutant-emitting activities, including all processes and process equipment, that are located on one or more contiguous or adjacent properties and are under the control of the same person or persons under common control.” Regulation 2.02 does not apply to stationary sources subject to Title V of the Clean Air Act because the emissions from these sources exceed the thresholds for exempt stationary sources proposed in section 2 and for registered stationary sources proposed in section 4.</p>
<p>2.02 section 4.1.1</p> <p>The term “potential to emit” should be deleted and replaced with “actual emissions” to increase the number of facilities that can qualify for the exemption. Using actual emissions allows more companies to either qualify for the exemption or participate in the Registration program. In addition, EPA allows states and local air pollution control authorities to set these types of prohibitory rules based on actual emissions. This is outlined in the Potential to Emit (PTE) Guidance for Specific</p>	<p>2.02-14</p> <p>The District disagrees. Using potential to emit provides regulatory certainty and operational flexibility for stationary source permitting. Permitting based on actual emissions would increase the regulatory burdens on the regulated sources, including substantial recordkeeping, reporting, and monitoring, necessary to demonstrate continuous compliance. The District has proposed section 4.1.3 to allow a stationary source to qualify for registration by accepting an enforceable limit</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
Sources guidance. - <i>PIAS</i>	on emissions.
2.02 sections 4.1.1.1, 4.1.1.2 and 4.1.4 The 5 ton per year threshold should be increased to 10 tons per year to match the corresponding Ohio EPA small source threshold under the Permit-By-Rule program and would allow more facilities to either be considered exempt or participate in the Registration program. - <i>PIAS</i>	2.02-15 See Response to Comment 2.02-9.
2.02 section 4.3.1 Please delete the sentence “An application fee shall be submitted to the District prior to commencing construction on a new or modified registered stationary source” as a permit fee for this activity is not necessary and would prohibit many small sources from requesting this status. - <i>PIAS</i>	2.02-16 Unlike exempt sources, registered sources may be subject to the same applicable requirements, including New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants in 40 CFR Parts 60, 61, or 63, as minor sources. Because the required review is essentially the same, the District has proposed the same application fee for construction of a new or modified stationary source registered under Regulation 2.02 section 4 or permitted under Regulation 2.03 as a minor stationary source.
2.02 section 4.3.1.3 This section should include, in its entirety, the transfer of registration that is specified in Regulation 2.03 section 6.8. - <i>DAQ</i>	2.02 – 17 Section 4.3.1 provides that a new source applying to the District for registration may commence construction 15 days after submitting an application unless one of the events listed in sections 4.3.1.1 – 4.3.1.3 occurs. Section 4.3.1.3 is not intended to be a transfer provision.
2.02 section 4.4.5	2.02-18

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>Please delete this requirement as an annual fee and registration form is both economically and administratively burdensome. The justification for such a requirement is hard to conceive as once a source becomes registered and no changes are made to the operation that would require re-registration, what administrative and technical support is required from the District. This fee and requirement will only deter facilities from seeking to be covered by this new approach.</p> <p style="text-align: center;">- <i>PIAS</i></p>	<p>Section 4.4.5 does not require an annual fee and a registration form. It requires the payment of an annual fee and completion of an annual certification form AP-500B (formerly AP-900C), which is intended to be less burdensome than obtaining a permit under Regulation 2.03. A draft of this form is included in Attachment A. If the proposed regulation is adopted, the form will be available on the District's website at http://www.louisvilleky.gov/APCD/Permits/PermitApplicationForms.htm.</p>
<p>2.02 section 4.4.5</p> <p>The District should provide more clarity regarding the nature of the certification required under this Section. The District should provide more clarity regarding the nature of the certification required under this Section. If the required certification language is not included in Regulation 2.02, the District's Form 100-C should be explicitly incorporated by reference.</p> <p style="text-align: center;">- <i>GLI ATTF</i></p>	<p>2.02-19</p> <p>See proposed sections 4.2.1 and 4.5.1.</p>
<p>2.02 section 4.4</p> <p>This section should include the term of registration similar to Regulation 2.08 section 5.2 and state that records be maintained for a period of five years as specified on Form AP-100C.</p> <p style="text-align: center;">- <i>DAQ</i></p>	<p>2.02 – 20</p> <p>Once issued, registered sources may continue to operate in accordance with the initial terms and conditions of the registration. They must complete the required annual certifications and pay any associated fees. The District will recommend to the Board that a new section 1.4 be added that states <u>“Determinations made under this regulation are valid until changes are made to the process operation equipment or the</u></p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	<u>air pollution control equipment and there is an increase of any air pollutant or the emission of a new air pollutant above the thresholds listed in sections 2 and 4. If such changes are proposed, the owner or operator shall apply to the District as appropriate.”</u> and that section 4.4.3 be revised to state that records must be maintained for five years, consistent with section 5.4.3 and Form AP-100C.
2.02 section 4.5 Provisions should be added to require reasonable notice to a registered stationary source before the District withdraws authorization to operate under this Section. - PIAS	2.02-21 Due process safeguards are provided in Regulation 2.09 Section 2. The District will propose in a separate rulemaking amending section 3.2, which provides that the District may suspend a permit for non-payment, as follows: Failure of the permittee to timely pay permit fees pursuant to Regulation 2.08 Emissions Fees, Permit Fees, Permit Renewal Procedures, and Additional Program Fees section 2.11.
2.02 section 4.5 A cross-reference to Regulation 2.09 Section 2 should be added to this Section to alert regulated sources to the procedural safeguards that apply before the District can withdraw authorization to operate under this Section. - GLI ATTF	2.02- 22 The District will recommend to the Board that section 4.5 be amended to state “ <u>Authorization to operate may be withdrawn in accordance with Regulation 2.09 for failure to pay any fees or complete the registration certification as required.</u> ”
Section 5 Section 5 should clearly state what the 5 ton VOC limit is based on: potential to emit or actual, controlled or uncontrolled emissions. - DAQ	2.02 –23 The proposed 5 ton VOC limit in Section 5 may be based on controlled or uncontrolled actual emissions.
Section 5.2.1.1.2	2.02 – 24

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>This section should clearly state if actual emissions are controlled or uncontrolled. If emissions are based on uncontrolled, actual emissions, the equation must include a control efficiency (1-(% control efficiency/100)).</p> <p>- <i>DAQ</i></p>	<p>The District will recommend to the Board that section 5.3.1.1 be revised to clarify that the equation in section 5.3.1.1.2 applies to “actual uncontrolled” VOC usage and to add an equation in section 5.3.1.1.3 to address “actual controlled” VOC usage as follows:</p> <p>5.3.1.1.2 Calculate VOC emissions based on actual <u>uncontrolled</u> usage of VOC containing materials and VOC content of the materials as follows:</p> <p>Gallons Used X VOC content (lb/gallon)/ 2,000 lb/ton = VOC emissions (tons)</p> <p style="text-align: center;">or</p> <p>5.3.1.1.3 <u>Calculate VOC emissions based on actual controlled usage of VOC containing materials and VOC content of the materials as follows:</u></p> <p><u>Gallons Used X VOC content</u> <u>(lb/gallon)/2,000 lb/ton X 1-(%control</u> <u>efficiency)/100 = VOC emissions (tons)</u></p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>2.03 General</p> <p>The DAQ recommends the following edits:</p> <ul style="list-style-type: none"> - Section 3.1: remove italics - Section 6.6.1: insert a comma after “accurate” - Confirm consistent usage of “record keeping” in Section 10 - <i>DAQ</i> 	<p>2.03-1</p> <p>The District agrees with the comment and will revise the proposed regulation accordingly.</p>
<p>Regulation 2.03 General</p> <p>Trivial activities should be identified as exempt from Regulation 2.03.</p> <p>- <i>Ford</i></p>	<p>2.03-2</p> <p>See proposed section 4.7.</p>
<p>2.03 Section 1</p> <p>Regulation 2.03 Section 1, Applicability, should be revised to state that “Insignificant activities are not required to obtain a permit prior to construction.”</p> <p>- <i>GLI ATTF, Ford</i></p>	<p>2.03-3</p> <p>The District will recommend to the Board that Section 1 be amended to state: “Except as authorized under Regulation 2.02, section 5.8 of Regulation 2.16, and Section 7 of this regulation, no person may construct, reconstruct, modify or operate an affected facility or related air pollution control equipment without a permit issued by the District. <u>Insignificant activities are not required to obtain a construction permit under this regulation.</u>”</p>
<p>2.03 Section 3</p> <p>These provisions are not necessary, as the federal asbestos NESHAP is already incorporated by reference in Regulation 5.04.</p> <p>- <i>GLI ATTF</i></p>	<p>2.03-4</p> <p>These provisions establish the notification and permitting requirements for the District’s asbestos management program, which includes Regulation 5.04, which adopts the federal asbestos NESHAP by reference and Regulation 5.13, which establishes <i>additional</i> control standards and requirements for asbestos projects that are conducted in Jefferson County, KY.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
2.03 section 4.2.1 The certification language should be revised and the phrase “based on information and belief formed after reasonable inquiry” should be added, consistent with the District’s application for construction and operating permits. - <i>GLI ATTF, Ford</i>	2.03-5 This language was added to section 6.6.1 following the informal comment period.
2.03 section 4.3 This Section should provide that the applicant shall be given reasonable time to prepare responses to the District’s request for additional information. - <i>GLI ATTF, Ford</i>	2.03-6 The District disagrees with the suggested revision. The District works cooperatively with applicants to obtain information necessary to complete permitting in a timely, responsible, and professional manner.
2.03 section 4.6 This section should address how an insignificant activity can be added after permit issuance if the insignificant activity is not listed in a permit application. - <i>GLI ATTF</i>	2.03-7 New insignificant activities should be included in the annual compliance certification completed by Title V and FEDOOP sources and, if adopted by the Board, updated as part of the minor source permit certification proposed in Regulation 2.03.
2.03 section 4.9 This section should include an expiration term similar to Regulation 2.08 section 5.2. - <i>DAQ</i>	2.03– 8 Once issued, minor sources may continue to operate in accordance with the terms and conditions of their permit. They must complete the required annual certifications and pay any associated fees. The District will recommend to the Board that a new section 1.2 be added that states <u>“Determinations made under this regulation are valid until changes are made to the process operation equipment or the air pollution control equipment and there is an increase of any air pollutant or the emission of</u>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	<u>a new air pollutant. If such changes are proposed, the owner or operator shall apply for the appropriate permits.”</u>
2.03 section 6.6 A cross-reference to Regulation 2.09 Section 2 should be added to this Section to alert regulated sources to the procedural safeguards that apply before the District can withdraw authorization to operate under this Section. - GLI ATTF	2.03-9 The District will recommend to the Board that section 6.6 be amended to state “ <u>Authorization to operate may be withdrawn in accordance with Regulation 2.09 for failure to pay any fees or complete the registration certification as required.</u> ”
2.03 section 6.6 This section should be revised to state that an annual fee is required along with the annual permit certification. - DAQ	2.03 – 10 This provision was inadvertently omitted. The District agrees and will revise the regulation accordingly.
2.03 section 6.6 The second section labeled 6.6 at line 192 needs to be renumbered as section 6.7. - GLI ATTF	2.03 – 11 The District agrees and will revise the regulation accordingly.
2.03 section 6.6 Section 6.10 should be clarified to state that a modified banking permit shall be issued “pursuant to Regulation 2.12.” - U.S. EPA Region 4 -	2.03 - 12 The District agrees and will revise the regulation accordingly.
2.03 section 7.1 This Section should clarify the form in which notification is to be made to the District, and what information must be provided. - GLI ATTF, PIAS	2.03-13 See section 7.1.1, which states that “A stationary source may commence constructing or reconstructing an air pollution control device ten (10) days after submitting an application to construct, paying the applicable application fee, and notifying the District in

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	writing of its intent to begin construction prior to the issuance of a construction permit.” The District expects that most sources will provide a cover letter expressing their intent with the application for the air pollution control equipment. The specific application form will depend on the project. Application forms for air pollution control equipment, such as baghouses, scrubbers, etc., are maintained on the District’s website under “Control Devices” at http://www.louisvilleky.gov/APCD/Permits/PermitApplicationForms.htm . See also Response to Comment 2.03-16.
<p>2.03 section 7.1.1</p> <p>This Section should be revised to clarify that a stationary source will not face enforcement action or penalties if it provides the appropriate notification and begins construction after 10 days, but the District later determines that a permit is necessary.</p> <p>- <i>GLI ATTF, PIAS</i></p>	<p>2.03-14</p> <p>The District disagrees with the suggested clarification. The purpose behind proposed Section 7 is to avoid unnecessarily delaying the installation and operation of air pollution control equipment that reduces emissions.</p> <p>As specified in section 7.1, a permit is required for <u>any</u> air pollution control equipment that results in an increase of any air pollutant or the emission of a new air pollutant. (Emphasis added.) After review and within 60 days of receipt of a complete application, the District will notify the source that it has determined that the project may continue because (1) a permit is not required because, for example, the project is exempt or (2) the application is sufficient as submitted because the project does not increase emissions of any air pollutant or result in the emission of a new air pollutant. If the District determines instead that the project increases emissions of any air pollutant or actually results in the emission of a new air pollutant, the source must (3) apply for a permit issued pursuant to Regulation 2.03 or cease operation.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
2.03 sections 7.1.2, 7.1.2.2, and 7.1.2.3	2.03-15
<p>The term “notification” should be used instead of “application” in these Sections because, at the point of notification, the District has not determined whether a permit application will be required.</p> <p>- <i>GLI ATTF, PIAS</i></p>	<p>See Response to Comment 2.03-14. As additional clarification, the specific application form depends on the project. Application forms for air pollution control equipment, such as baghouses, scrubbers, etc., are maintained on the District’s website under “Control Devices” at http://www.louisvilleky.gov/APCD/Permits/PermitApplicationForms.htm.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>2.08 General</p> <p>The District's entire budget should not be funded by fees from stationary sources, because the District also addresses issues important to the community that are unrelated to stationary sources, such as mobile sources, small engines and consumer products.</p> <ul style="list-style-type: none"> - <i>GLI ATTF, PIAS, KPC, ACA</i> 	<p>2.08-1</p> <p>As noted in the PRIA for Regulation 2.08, the District is funded through a variety of sources, including the Louisville Metro General Fund; grants from EPA; Title V emissions fees; civil penalties; and permit and program fees, including those from the Strategic Toxic Air Reduction (STAR) program, Risk Management Program (RMP), Stage II and asbestos programs. The District agrees that air pollution is a community-wide concern and expects continued funding from the Louisville Metro General Fund to address concerns from mobile, residential, and other sources of pollution.</p>
<p>2.08 General</p> <p>There should not be any fees imposed on stationary sources that are seeking registration status, minor source permits, and requests for determinations. The District has the opportunity to make further revisions to its permit program that would streamline the permitting program even further than what is proposed that would allow for the complete elimination of fees on small sources.</p> <ul style="list-style-type: none"> - <i>PIAS</i> 	<p>2.08-2</p> <p>The District is charged with more than just issuing permits. In short, it takes the agency operating as a whole to clean the air. The District is funded through a variety of sources, including the Louisville Metro General Fund; grants from EPA; Title V emissions fees; civil penalties; and permit and program fees, including those from the Strategic Toxic Air Reduction (STAR) program, Risk Management Program (RMP), Stage II and asbestos programs with that goal in mind. The District is committed to continuing to streamline and refine its permitting process to reduce permitting burdens on regulated stationary sources. This will include, among other things, developing permits-by-rule, general permits, and a combined constructing/operating permit program for Title V and FEDOOP sources.</p>
<p>2.08 General</p> <p>The District already has the authority to adjust fees based on the Consumer Price Index (CPI),</p>	<p>2.08-3</p> <p>The District is not proposing to amend the provisions relating to the CPI. A comparison of</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
something most businesses aren't able to do with their prices. For these reasons and the fact that the District's activities extend well beyond stationary sources, significant general fund support for the District is critical and must be maintained. <i>KPC</i>	fees charged by other regulatory agencies is included in the PRIA for Regulation 2.08. The proposed fees are not inconsistent with the fees charged by other regulatory agencies and better reflect the changing scope of the District's regulatory responsibilities. For example, just as the complexity of air quality monitoring has increased over the last 40 years, the complexity of air pollution control and regulation has moved from simple, one-page permits to complicated permits several hundred pages in length. This ever-increasing complexity has been largely driven by successive amendments to the Clean Air Act, the statutory authority that establishes the basic federal program for controlling air pollution, and District-only regulations that address issues of local responsibility and concern. See also Response to Comments 2.08-1 and 2.08-2.
2.08 General The District should accept electronic payments. - ACA	2.08- 4 The District hopes to begin accepting electronic payments at its office during the first quarter of FY 2014 and online via the internet during the second quarter.
2.08 General The structure of Regulation 2.08 as proposed may lead to confusion because many of the operative provisions in Sections 1 through 11 will continue to apply after FY 2013, but the fees in those Sections will not. It may not be obvious to the regulated community that the table of fees in Section 12 does not correspond with the fees listed in the other sections of this Regulation. Instead, the Task Force strongly recommends that two versions of Regulation 2.08 be proposed: one containing the operative provisions and the fees applicable to FY 2013,	2.08-5 After consideration, the District agrees that re-organizing the table and including the provisions that will apply in FY 2014 in their entirety, rather than by reference, will improve the readability of the proposed regulations. The District has reorganized Regulation 2.08 to add clarity to Section 12 and the Schedule of Fees and will recommend to the Board that it adopt the revised version. No fee amounts have been revised as part of this re-organization. The District has, however, clarified in the schedule that sources will not

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>and one containing the operative provisions and the fees applicable to FY 2014 and thereafter. The first version could be set to automatically repeal on June 30, 2013. If the structure of this Regulation is retained as proposed, the table in Section 12 should be titled as “Schedule of Fees Beginning in FY 2014,” and the applicability should be set forth in Section 12.1 instead of Section 1.1. The fees listed in Sections 3-11 that apply in FY 2013 should be set out in a separate schedule, as was done for the fees in Section 12.</p> <p>- <i>GLI ATTF</i></p>	<p>be required to pay both an “initial issuance fee” and a “significant permit revision” fee when applying for a new permit. Similarly, new construction at Title V and FEDOOP sources shall be billed at the same rate as a “significant permit revision” until a combined construction/operating permit program is adopted for these sources.</p>
<p>2.08 Section 1</p> <p>The DAQ recommends the following:</p> <ul style="list-style-type: none"> - Replace “Louisville Metro” with “Jefferson County” in sections 1.7, 3.1, 4.1, and 12. - Section 1.1: delete on space at the beginning of the line - Add a new line separate from section title in sections 2.4 and 3.1 - Section 6.1: delete regulation title - Revise numbering starting with section 6.6 and ending with 6.8 - Schedule of fees: check alignment of “registration” and “annual fee” <p>- <i>DAQ</i></p>	<p>2.08-6</p> <p>The District agrees with the comment and will revise the proposed regulation accordingly. In sections 1.7 and 4.1, the District will substitute “Jefferson County” for “Louisville Metro” and delete “Louisville Metro” from sections 3.1 and 12.</p>
<p>2.08 section 1.8</p> <p>The proposed timeframe for payment is not achievable by many companies, whose internal billing practices require a longer amount of time to process payments and issue checks. Even if electronic payment is introduced, which the Task Force supports, the time required for approval and processing at many companies still exceeds the proposed</p>	<p>2.08-7</p> <p>The District notes that most businesses invoice on a 30-day billing cycle. The District’s current payment schedule in Regulation 2.08 was previously extended from 30 days to 45 days in October 2009 for the convenience of the regulated sources. The District agrees that sources should understand what fees will be due on an annual basis. For that reason, the</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>timeframes. Instead, payment should be due within 90 days of the billing date. For annual fees, the District should be required to issue invoices within 60 days of the end of the fiscal year, or by some other date certain, so that regulated entities can plan and budget accordingly.</p> <p>- <i>GLI ATTF, KPC, ACA, PIAS</i></p>	<p>District has proposed the look-up schedule in Section 12 as a simplified approach to billing. With the exception of Title V operating permit and STAR fees, which are based on source-specific emissions, the schedule lists a single, specific annual operating permit fee by source category for easy reference. This is a vast improvement over the District's current fee structure, which is based on a tonnage and per project basis. If necessary, a stationary source may request a payment schedule as provided in section 1.8.3.</p>
<p>2.08 section 1.8.3</p> <p>The District should be required to provide notification to a company before automatically suspending an authorization to operate, to avoid cases in which a payment is not credited due to an accounting or other error. The Task Force recommends that the District be required to send a notice by registered mail if a fee payment is past due. The language in Section 1.8.3 should be revised to read: "Failure to pay emissions fees within 90 days of receipt of the notice shall automatically suspend...."</p> <p>- <i>GLI ATTF</i></p> <p>The District should refer to Regulation 2.09 to alert regulated sources to the safeguards provided by Regulation 2.09.</p> <p>- <i>PIAS</i></p>	<p>2.08-8</p> <p>Due process safeguards are provided in Regulation 2.09 Section 2. Regulations 2.16 and 2.17 currently refer to Regulation 2.09; the District will recommend to the Board that it adopt a similar reference in Regulation 2.02 section 4.5 and 2.03 section 6.6. The District will propose in a separate rulemaking amending section 3.2, which provides that the District may suspend a permit for non-payment, as follows: Failure of the permittee to timely pay permit fees pursuant to Regulation 2.08 Emissions Fees, Permit Fees, Permit Renewal Procedures, and Additional Program Fees section 2.11.</p>
<p>2.08 Section 2</p> <p>The DAQ recommends that this section include a provision stating that Title V emission fees are determined based on regulated air pollutants unless otherwise stated; clarification is need to prevent "any pollutant" from being charged. Sections 2.2 and 2.3 should refer to actual emissions of "regulated</p>	<p>2.08-9</p> <p>Emissions fees are assessed on the following pollutants: SO_x, NO_x, PM₁₀, PM condensables, VOC, and HAPs. The District will recommend to the Board that Section 2 be revised to include the specified pollutants.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
air pollutants” rather than just “pollutants.” Consider adding “pollutant” after “regulated air pollutant” as the former is frequently used throughout Section 2. - <i>DAQ</i>	
2.08 Section 1.11 The language should be revised to clarify that the District may extend, but not shorten, the term of an individual permit under this section. - <i>GLI ATTF</i>	2.08 – 10 The flexibility provided in section 1.11 is necessary for the efficient operation of the District, for example, in winding down the Stage II Vapor Recovery Program.
2.08 Section 10 The increases in the Risk Management Plan (RMP) fees in section 10.2 seem excessive. Some facilities will see their fees almost quadruple. At a time when many agencies are turning this program back to EPA, the District has not justified the amounts being proposed for RMP Program fees. - <i>GLI ATTF, KPC, AKA</i>	2.08 - 11 The District currently ensures compliance at twenty-one local facilities, including nine that are deemed “high risk.” As stated in the ANPR, the EPA’s accident data suggest that “uninspected high risk facilities are more than five times more likely to have an accident than uninspected lower risk facilities.” <i>EPA Can Improve Implementation of the Risk Management Program for Airborne Chemical Releases</i> , U.S. EPA Office of Inspector General, February 10, 2009. The EPA retains responsibility for ensuring compliance with the RMP program at over 84% of the covered facilities nationwide. In practice, this means that these facilities are largely uninspected, as EPA’s regional offices simply do not have the resources to implement the RMP program at the local level. The District has determined that local administration of the RMP program is important due to the high concentration of sources subject to the program in the Metro area and the location of these sources in heavily populated urban areas. The proposed fee schedule is based on the highest RMP program level for any process at a source and

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	is intended to equitably adjust the fee for each source on the basis of program compliance, potential hazard, and source complexity. If adopted by the Board, the proposed fee increase will raise \$50,000. This amount will pay one-quarter of the salary for the District engineer who administers the program and, by contract with Louisville Metro EMA – Metro Safe, one-half of the salary for the Technological Hazards Coordinator, a first responder who provides emergency response, program inspections, and outreach.
<p>2.08 Section 12</p> <p>The application fee for operating permits for Title V's and FEDOOPs should only apply to a new source. For an existing source, the application fee should only be required for construction permits because an annual operating permit fee is already being charged.</p> <p style="padding-left: 40px;">- <i>GLI ATTF, PIAS, KPC</i></p>	<p>2.08 - 12</p> <p>The District disagrees. The proposed application fee is intended to be charged in addition to other fees that may apply. It does not apply to annual operating fees, but it will apply when an application is submitted to the District to construct a new source, modify an existing source, or renew an operating permit at a Title V or FEDOOP source.</p>
<p>2.08 Section 12</p> <p>Instead of the proposed fee of \$5,000 per PSD pollutant for PSD/NSR review, the Task Force proposes that the fee be based on a schedule, or capped at a certain amount, such as the following possibilities:</p> <ul style="list-style-type: none"> • \$5,000 for the first pollutant and \$2,000 for each additional pollutant; or • \$5,000 for one pollutant, \$4,000 each for two pollutants, \$3,000 each for three pollutants, and \$2,500 each for four or more pollutants; or • \$5,000 for each pollutant, not to exceed \$10,000 in total. <p><i>GLI ATTF, PIAS</i></p>	<p>2.08 - 13</p> <p>The District disagrees with the suggested revision. Not every PSD or NSR project necessarily involves all of the regulated pollutants. However, when part of a project, each pollutant must be independently reviewed by the District for compliance with various thresholds and significance levels. As it stands, the District currently assesses one fee for PSD reviews regardless of whether emissions of one pollutant or six must be analyzed. Doing so essentially undercharges some applicants with multiple pollutants and shortchanges the District for the volume and complexity of work involved.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>2.08 Section 12</p> <p>The DAQ recommends the following:</p> <ul style="list-style-type: none"> - Sections 3.3, 12.2, 12.4, and 12.5 should refer to all of the permitting regulations: 2.03, 2.16, and 2.17. - Consider renaming Section 12 “Application and Annual Fees Beginning in FY 2014 - Re-organize the schedule into separate tables based on permit type. Other items that are used as necessary, such as public notices and stack test reviews, could be placed in a separate table. - Consider classifying the fee as either an application fee or annual fee. For example, “<u>Application Filing Fee</u>,” “<u>Permit Actions Revision Application Fee</u>,” “<u>Annual Operating Permit Fee</u>,” etc. <p>- DAQ</p>	<p>2.08 – 14</p> <p>The District will add a reference to Regulations 2.03, 2.16, and 2.17 to section 12.2. Because a source previously permitted under Regulations 2.16 or 2.17 would not qualify as “exempt” or as “registered,” if previously permitted under Regulation 2.16, it is not necessary to revise the remaining provisions. The District prefers titling “Section 12” as “Schedule of Fees.” After consideration, the District agrees that re-organizing the table and including the provisions that will apply in FY 2014 in their entirety, rather than by reference, will improve the readability of the proposed regulations. The District has reorganized Regulation 2.08 to add clarity to Section 12 and the Schedule of Fees and will recommend to the Board that it adopt the revised version. No fee amounts have been revised as part of this re-organization. The District has, however, clarified in the schedule that sources will not be required to pay both an “initial issuance fee” and a “significant permit revision” fee when applying for a new permit. Similarly, new construction at Title V and FEDOOP sources shall be billed at the same rate as a “significant permit revision” until a combined construction/operating permit program is adopted for these sources.</p>
<p>2.08 Section 12</p> <p>Please confirm that minor sources will be charged only a single \$1,000 annual operating fee in FY2014 and subsequent fiscal years, even if the minor source has not yet been issued the single combined construction/operating permit. Wording to confirm that</p>	<p>2.08-15</p> <p>Beginning in FY2014, a minor source will be billed an annual operating permit fee of \$1,000 in accordance with proposed section 1.7. It is billed on the stationary source’s type, not the number of permits previously issued to the stationary source.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>should be inserted into the table for clarification to address the concern that the minor sources will be charged an annual fee for each current permit.</p> <p style="text-align: center;"><i>GLI EEC Air Subcommittee</i></p>	
<p>2.08 Section 12</p> <p>KPC is concerned about the significant increase in STAR fees that FEDOOPS will be forced to endure. The new fee amounts to a ten-fold increase in STAR fees. We understand that many sources may be able to take advantage of the “off-ramp” in Regulation 5, but the lowering of the threshold from 50 tons to 25 tons will have a significant impact on our members. We believe the 50 ton threshold should be restored and that the District considers ways to mitigate the impact for the remaining FEDOOPS.</p> <p style="padding-left: 40px;">- KPC</p>	<p>2.08-16</p> <p>As stated in the PRIA for Regulation 5.00, the advance Notice of Proposed Rulemaking (NPR) issued by the District on July 24, 2012, described certain revisions to the District’s current Part 2 permitting regulations, including the development of Regulation 2.18, <i>Prohibitory Rule For District-Origin Minor Source Permits</i>, that the District was considering at that time. As conceived by the District, Regulation 2.18 would have included, among other things, a 50 ton per year limit on regulated air pollutants. After further discussion, the District proposed revising Regulation 5.00, which includes, among other things, a 25 ton per year limit on regulated air pollutants, in lieu of developing Regulation 2.18. The limits actually proposed in Regulation 5.00 strike the appropriate balance between continuing the District’s permit streamlining initiative and reducing the burden on small stationary sources. It is also consistent with the original applicability limit for Group 2 stationary sources, which applied to sources that emitted 25 or more tons per year individually of sulfur dioxide, particulate matter, volatile organic compounds, or oxides of nitrogen. The District’s rationale applies to the majority of the current Group 2 stationary sources, nearly 88%, have actual emissions less than the thresholds proposed for exemption. See Attachment A to the Preliminary Regulatory Impact Assessment, which shows that most Group 2 stationary sources have emissions less than 25 tons per</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
	year for all pollutants and less than 5 tons per year for emissions of all HAPs combined. The proposed limit strikes the appropriate balance between continuing the District's permit streamlining initiative and reducing the burden on small stationary sources.
<p>2.08 Section 12</p> <p>The annual fee for FEDOOPs will represent a significant increase for many sources. In addition, it is not clear whether FEDOOPs that choose to take advantage of the STAR "off-ramp" in Regulation 5 Section 1.13.5 will still be subject to this \$1,500 annual fee.</p> <p>- <i>GLI ATTF, PIAS, KPC</i></p>	<p>2.08-17</p> <p>As proposed, small FEDOOP sources that accept the applicable emissions limits in section 1.13.5 will be defined as an "exempt stationary source" under the STAR Program. By definition, they will not be considered a "Group 2 stationary source" and therefore not subject to the increased STAR program fees. They will, however, remain subject to the \$1,500 annual fee since they will continue to be permitted to operate as FEDOOPs pursuant to Regulation 2.17.</p>
<p>2.08 section 12.3</p> <p>The Regulation should provide that the application fee will be credited towards the fee for the issued permit or authorization, or toward emissions fees or other charges, if the permit for which the application fee is paid is issued by the District.</p> <p>- <i>GLI ATTF, PIAS</i></p>	<p>2.08-18</p> <p>The District disagrees with the suggested revision. The proposed application fee is intended to be charged in addition to other fees that may apply to a construction project or stationary source.</p>
<p>2.08 section 12.7</p> <p>It is not necessary to restate the asbestos fees in the table because they are already listed in Section 12.7. All fees related to asbestos should be listed in a single location.</p> <p>- <i>GLI ATTF</i></p>	<p>2.08-19</p> <p>The District will recommend to the Board that section 12.7.3 be deleted and the section renumbered.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation Section...Comment... From	Comment Number ... District Response
<p>2.16 General</p> <p>The DAQ recommends the following:</p> <ul style="list-style-type: none"> - Change “amendment” to “revision” in sections 1.3.4.3, 1.3.4.4, 1.29, 5.1.1.2, 5.4, 5.4.1, 5.4.2, 5.4.2.1, 5.4.3, 5.4.4, and 5.7.1 to maintain consistency with the schedule of fees in Regulation 2.08 - Delete title in sections 1, 1.23.1.4 and 5.1.8 - Section 1.22: revise GYG definition to “greenhouse gases (GHGs) means” - Section 5.1.4: change “an permit application” to “a permit application.” - Section 1.23.2: delete spacing around “R&D” - Section 3.1.1.1.1: check alignment of equation - Sections 1.24, 5.6.6: check alignment - Section 3.5.1: insert comma after “accurate” - Sections 1.9, 2.2.1, and 5.1.6: delete “section” from CFR citation - Confirm usage of “Record keeping” in sections 1.3.3, 1.3.4.6, 3.5.10.2, 4.1.9, 4.1.9.1.2, 4.1.9.2, 4.1.9.4, 4.3.1, 5.5.1.2, and 5.7.1.2 - <i>DAQ</i> 	<p>2.16-1</p> <p>The District agrees and will revise the regulations accordingly.</p>
<p>2.16 section 1.23</p> <p>DAQ recommends that this section state that the potential emissions of the affected facility do not exceed either five tons per year of a regulated air pollutant or 1,000 pounds of all hazardous air pollutants” so that it is consistent with Form AP-100C, which references “all HAPs.”</p> <ul style="list-style-type: none"> - <i>DAQ</i> 	<p>2.16 – 2</p> <p>See Response to Comment 1.02 – 8.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

<p>2.16 section 1.23</p> <p>The definition of “Insignificant Activity” should be revised to be identical to the definition at 401 K.A.R. 52:020 § 6. If an affected facility meets the requirements of Sections 1.23.1.1 through 1.23.1.3, it should be deemed an “insignificant activity,” whether or not it has previously been approved in a Title V permit or appears on the list maintained by the District.</p> <p style="padding-left: 40px;">- <i>GLI ATTF, PIAS, KPC</i></p>	<p>2.16-3</p> <p>See Response to Comments 1.02-4 and 1.02-5. The District generally agrees that an affected facility that meets the requirements of Sections 1.23.1.1 through 1.23.1.3, should be deemed an “insignificant activity,” provided that it meets the relevant thresholds, is included in Regulation 2.02 or approved on a case-by-case basis as part a Title V permit issuance, renewal, or revision that had undergone the full public participation process, including the notice, comment, and EPA objection provisions, in Regulation 2.07 as required.</p>
<p>2.16 sections 1.23.1.1.4 - 1.23.1.1.6</p> <p>If Sections 1.23.1.4 through 1.23.1.6 are retained, the definition should be restructured to clarify which of Sections 1.23.1.1 through 1.23.1.6 are conjunctive and which are disjunctive. The use of “and” and “or” to join items in this list may be confusing. Section 1.23.1 could be reworded as “An affected facility that meets all of the following provisions,” then Section 1.23.1.5 could read “at least one of the following provisions,” with proposed Sections 1.23.1.5 and 1.23.1.6 renumbered as 1.23.1.5.1 and 1.23.1.5.2, connected with “or.”</p> <p style="padding-left: 40px;">- <i>GLI ATTF</i></p>	<p>2.16-4</p> <p>See Responses to Comment 1.02-4 and 1.02-5.</p>
<p>2.16 section 1.23.4</p> <p>The District’s list of approved insignificant activities should be incorporated into the regulations so it can be approved as part of the SIP. Otherwise, the regulations should clarify how an insignificant activity will be listed “in the District’s federally approved Title V permit program.” If the District is requiring that an affected facility either be an approved insignificant activity in a Title V permit, or</p>	<p>2.16 - 5</p> <p>See Responses to Comment 1.02-4 and 1.02-5.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

<p>appear on the District's list of approved insignificant activities, this list must be included in the regulations, or incorporated by reference, so that it goes through the required public notice and comment and EPA approval procedures.</p> <p>- <i>GLI ATTF, PIAS, KPC, PIAS</i></p>	
<p>2.16 section 1.23.1.1</p> <p>Section 1.23.1.1 should clarify that potential emissions are uncontrolled.</p> <p>- <i>DAQ</i></p>	<p>2.16 – 6</p> <p>Section 1.23.2 states that “for purposes of this definition, potential emissions mean the emissions before air pollution control devices.” The District will, however, recommend that the Board adopt the suggested revision to section 1.23.1.1 for further clarity.</p>
<p>2.16 section 1.25</p> <p>The definition of “Major Source” should be revised to include language addressing greenhouse gases consistent with EPA’s Greenhouse Gas Tailoring Rule, 75 Fed. Reg. 82254 (Dec. 30, 2010).</p> <p>- <i>GLI ATTF</i></p>	<p>2.16 - 7</p> <p>The District revised Regulations 2.05 and 2.16 in November 2010 to address pollutants “subject to regulation,” including greenhouse gases, as required by the Tailoring Rule for use in those programs.</p>
<p>2.16 section 1.43</p> <p>The District should clarify how the District will determine whether an activity is “inconsequential” and incorporate the list by reference.</p> <p>- <i>GLI ATTF</i></p>	<p>2.16 - 8</p> <p>The term, “trivial activities,” was added to the District’s Title V program in June 1995. The list is identical to the list of trivial activities identified in Attachment A of U.S. EPA’s <i>White Paper for Streamlined Development of Part 70 Permit Applications</i> (July 10, 1995). Provisions for approval of additional trivial activities by state and local agencies are provided in the <i>White Paper</i> at page 9.</p>
<p>2.16 section 5.3.4</p> <p>The requirement that the District notify sources of permit expiration by certified letter should be</p>	<p>2.16 – 9</p> <p>Title V renewal requirements are explicitly stated in 40 CFR Part 70, Regulation 2.16</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

<p>retained. - <i>PIAS, GLI ATTF</i></p>	<p>Section 5, and on the first page of each Title V permit issued by the District. Title V stationary sources should be keenly aware of their permit expiration deadlines and the need to submit a timely and complete renewal application since doing so preserves Title V application and permit shields. As a courtesy, the District will notify Title V sources in writing between 18 months and 12 months of the permit's expiration and of the requirement to submit a new and complete operating permit application. A certified letter is not necessary.</p>
<p>2.16 section 5.5.1.4.1</p> <p>The term "and" should be retained, instead of replacing it with "or," to maintain consistency with federal and state regulations at 40 C.F.R. § 70.7(e)(2)(i)(A)(4)(A) and 401 K.A.R. 52:020 § 14(1)(D)(1). - <i>GLI ATTF</i></p>	<p>2.16 – 10</p> <p>The District's punctuation for this provision varies in general from the federal and state regulations. The District will revisit the issue in a later rulemaking as part of a combined construction/operating permit program for Title V and FEDOOP sources.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>2.17 General</p> <p>The DAQ recommends the following edits:</p> <ul style="list-style-type: none"> - Section 2: delete “(stationary source)” - Section 3.5: add quotations around certification statement - Confirm usage of “Record keeping” throughout <p>- <i>DAQ</i></p>	<p>2.17-1</p> <p>The District agrees and will revise the regulations accordingly.</p>
<p>2.17 section 4.2</p> <p>This Section suggests that an insignificant activity may only be conducted at a facility if the insignificant activity is listed in a permit application or is added to a permit by a permit amendment.</p> <p>- <i>GLI ATTF</i></p>	<p>2.17 – 2</p> <p>See Response to Comments 1.02-4, 1.02-5 and 2.03-7.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

Regulation ... Section ... Comment ... From	Comment Number ... District Response
<p>5.00 General</p> <p>The DAQ recommends that the line between “Relates To” and “Necessity ...” be deleted. - <i>DAQ</i></p>	<p>5.00-1</p> <p>The District agrees with the comment and will revise the proposed regulation accordingly.</p>
<p>5.00 section 1.13</p> <p>The Task Force recommends using the originally-proposed threshold of 50 tons per year of a regulated air pollutant. The District has not provided an explanation for lowering this threshold by half. - <i>GLI ATTF, KPC, ACA</i></p>	<p>5.00-2</p> <p>As stated in the PRIA for Regulation 5.00, the advance Notice of Proposed Rulemaking (NPR) issued by the District on July 24, 2012, described certain revisions to the District’s current Part 2 permitting regulations, including the development of Regulation 2.18, <i>Prohibitory Rule For District-Origin Minor Source Permits</i>, a new regulation that the District was considering at that time. As conceived by the District, Regulation 2.18 would have included, among other things, a 50 ton per year limit on regulated air pollutants. After further discussion, the District proposed revising Regulation 5.00, which includes, among other things, a 25 ton per year limit on regulated air pollutants, in lieu of developing Regulation 2.18. The limits actually proposed in Regulation 5.00 strike the appropriate balance between continuing the District’s permit streamlining initiative and reducing the burden on small stationary sources. It is also consistent with the original applicability limit for Group 2 stationary sources, which applied to sources that emitted 25 or more tons per year individually of sulfur dioxide, particulate matter, volatile organic compounds, or oxides of nitrogen. The District’s rationale applies to the majority of the current Group 2 stationary sources, nearly 88%, have actual emissions less than the thresholds proposed for exemption. As shown on Attachment A to the Preliminary Regulatory Impact Assessment,</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

	<p>most Group 2 stationary sources have emissions less than 25 tons per year for all pollutants and less than 5 tons per year for emissions of all HAPs combined. The proposed limits strike the appropriate balance between continuing the District's permit streamlining initiative and reducing the burden on small stationary sources.</p>
<p>5.00 section 1.13</p> <p>The Regulations should set forth the monitoring, recordkeeping, reporting, and other requirements that will apply to sources that accept the limits in this Section. This could be accomplished in the clearest manner by enacting a new Regulation in Part 2 that contains the thresholds and the requirements for this new source category. A stationary source should be able to determine from the Part 2 Regulations which source category it belongs in, what fees it is subject to, and what requirements apply, without having to turn to another Part of the Regulations. At a minimum, a reference to this exemption should be made in the Part 2 Regulations</p> <p style="padding-left: 40px;">- <i>GLI ATTF, KPC</i></p>	<p>5.00-3</p> <p>Only stationary sources with emissions limited pursuant to Regulation 2.17 are able to meet the exemption proposed in Regulation 5.00 section 1.13.5. Recordkeeping, reporting, and monitoring requirements necessary to limit emissions below certain thresholds, including Title V major source emission levels and those proposed in Regulation 5.00 section 1.13.5, are already set forth in Regulation 2.17 section 5. Enacting a new regulation in Part 2 is unnecessary.</p>

Louisville Metro Air Pollution Control District
Response to Comments
Permit Program Amendments
Proposed February 20, 2013

COMMENTERS

ACA American Coatings Association
DAQ Kentucky Division for Air Quality
GLI ATTF Greater Louisville, Inc. Air Toxics Task Force
GLI EEC Air Subcommittee Greater Louisville, Inc. Energy and Environment Committee
LG&E LG&E and KU Energy LLC
KPC Kentucky Paint Council
PIAS Paint Industry Association of the South
PRIA Preliminary Regulatory Impact Assessment
U.S. EPA U. S. Environmental Protection Agency

ACRONYMS and ABBREVIATIONS

The following acronyms have the following meanings:

EPA – U.S. Environmental Protection Agency
HAP – Hazardous Air Pollutant
MACT - Maximum achievable control technology
NESHAP – National Emission Standards for Hazardous Air Pollutants
NSPS - New Source Performance Standards
PTE – Potential To Emit
STAR – Strategic Toxic Air Reduction